



US Army Corps  
of Engineers

Regulatory Branch  
333 Market Street  
San Francisco, CA 94105-2197

SAN FRANCISCO DISTRICT

# PUBLIC NOTICE

NUMBER: 26694S – Marina Shores Village

DATE: November 21, 2002

RESPONSE REQUIRED BY: December 20, 2002

PERMIT MANAGER Molly Martindale

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**1. INTRODUCTION:** Mr. Mark Peppercorn, Glenborough-Pauls, LLC, 650 Bair Island Road, Suite 100, Redwood City, California, 94063, ((650) 365-7400) has applied for a Department of the Army permit to fill a total of 11.81 acres of Corps jurisdictional area to develop a multi-use commercial/residential project in Redwood City, San Mateo County (Figure 1). This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. 1344) and Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).

**2. PROJECT DESCRIPTION:** As shown in the attached drawings, the applicant plans to fill 9.7 acres of the existing Peninsula Marina (Figure 2) and 1.1 acres of Pete's Harbor Basin (Figure 3) to accommodate new residential buildings, 1 acre of shoreline for shore protection, and 0.01 acre of seasonal wetland to construct approximately 1,900 homes (in an array of 4-, 6-, 18-, 19-, 20-, and 21-story structures, plus 2-story, at grade townhouses), 300,000 square feet of office space, and 12,000 square feet of retail space (Figure 4). Approximately 5,200 linear feet of steel sheet piling will be used to establish new shorelines within the old marina areas, and approximately 5,500 linear feet of rock riprap will be placed along Redwood Creek, Smith Slough, and an adjacent tidal channel for flood protection.

Currently, the 33.2-acre Peninsula Marina property includes a 13.5-acre, 420-slip marina (vacated in November 2001); one 2-story and four 3-story

commercial buildings, and 750 parking spaces on approximately 16.2 acres; and 3 undeveloped acres.

The 20.2-acre Pete's Harbor property includes a 2.8-acre inner marina with water access via Redwood Creek. A second outer marina is situated along the northern border of the property near the confluence of Redwood Creek and Smith Slough. The outer marina occupies land owned by the State of California and is subject to a State Lands Commission lease, which expires in 2033. Across Smith Slough from the outer marina is an undeveloped 7-acre parcel that extends northward along the edge of Redwood Creek (Figure 5).

The remainder of the Pete's Harbor property is occupied by a restaurant, Harbor Master's office, recreational vehicle repair shop, mobile homes, storage sheds, surface parking, and some temporarily-stored vehicles.

In the 1940s, both properties contained tidal sloughs and salt marsh. Due to a progression of activities, by 1969, both the inner and outer marinas were in place and the salt marsh peninsula north of the inner marina had been filled.

The jurisdictional resources remaining on the site include 22.4 acres of tidal open water (Redwood Creek, Smith Slough, and the marinas), 1.9 acres of vegetated shoreline wetlands (Redwood Creek, Smith Slough, and the marinas), and 0.01 acre of seasonal ponding near the west end of the Peninsula Marina

property (Figure 6).

Although the applicant intends to provide compensatory mitigation for the project's impacts in Corps jurisdiction, no specific sites have yet been proposed.

**3. STATE APPROVALS:** Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must obtain a State water quality certification or waiver before a Corps permit may be issued. The applicant has provided the Corps with evidence that he has submitted a valid request for State water quality certification to the San Francisco Bay Regional Water Quality Board. No Corps permit will be granted until the applicant obtains the required certification or waiver. A waiver shall be explicit, or it will be deemed to have occurred if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, San Francisco Bay Region, 1515 Clay Street, Suite 1400, Oakland, California 94612, by the close of the comment period of this public notice.

**4. ENDANGERED SPECIES:** California clapper rail (*Rallus longirostris obsoletus*) populations are known to occur along Smith Slough, including the portion of the property immediately to the north of the project site, along the opposite bank, which is not proposed for development. In addition, the northwest border of the project site is adjacent to Lower Bair Island, which is currently proposed for restoration to conditions suitable for California clapper rail.

Minor short-term adverse effects to clapper rails

could result from noise associated with heavy construction and earthmoving equipment. Long-term indirect adverse effects could result if the project were to lead to a permanent significant increase in intrusion into the tidal marsh by residents, domestic animals, and the artificially augmented populations of raccoons, rats, mice, and skunks associated with urban dwellings.

Concerns regarding indirect impacts are not an issue at Middle or Outer Bair Island because the lack of bridges or crossings of Smith Slough prevents access by people, pets, and most predators. Potential breaching of levees on the west side of Smith Slough as part of the Bair Island restoration plan would create habitat for clapper rails at Inner Bair Island, but also would prohibit continuous levee access by recreational users, including future residents of the proposed project.

The proposed project would have minor indirect effects on the salt marsh harvest mouse (SMHM) (*Reithrodontomys raviventris*). Any adverse effects to the SMHM would occur within the portion of the property that lies across Smith Slough from the proposed project site, which is known to be inhabited by the species. It is expected that these effects would be indirect, and would primarily result from construction activities (i.e., dust, noise).

The steelhead trout (*Oncorhynchus mykiss*) (Central California Coast Environmentally Significant Unit) is a federally-listed threatened species. Appropriate spawning habitat is not present within Redwood Creek or Smith Slough, the two drainages adjacent to the project site. The nearest area where this species is known to spawn is San Francisquito Creek, near Palo Alto. According to the National Marine Fisheries Service, steelhead trout may use marinas, creeks, and sloughs on the bay shore for resting or foraging during migration. These areas exist on the project site (i.e. Peninsula Marina, Pete's Harbor, Redwood Creek, Smith Slough).

The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service as required by Section 7 of the Endangered Species Act.

**5. HISTORIC - CULTURAL CHARACTERISTICS AND ANTICIPATED CHANGES:**

A Corps of Engineers archaeologist is currently conducting a cultural resources assessment of the permit area, involving review of published and unpublished data on file with city, State, and Federal agencies. If, based upon assessment results, a field investigation of the permit area is warranted, and cultural properties listed or eligible for listing on the National Register of Historic Places are identified during the inspection, the Corps of Engineers will coordinate with the State Historic Preservation Officer to take into account any project effects on such properties.

**6. EVALUATION OF ALTERNATIVES:**

Evaluation of this activity's impacts includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act (33 U.S.C. 1344(b)). An evaluation under the 404(b)(1) Guidelines indicates that the project is not water/wetland dependent. The applicant has not submitted an Analysis of Alternatives and has been informed that such an Analysis is required and will be reviewed for compliance with the guidelines. Evaluation of this activity's impact on the public interest will also include application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of the Clean Water Act, 33 U.S.C. Section 1344(b).

**7. PUBLIC INTEREST EVALUATION:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity and its intended use on the public interest. Evaluation of the

probable impacts which the proposed activity may have on the public interest requires a careful weighing of all those factors which become relevant in each particular case. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. The decision whether to authorize a proposal, and if so the conditions under which it will be allowed to occur, are therefore determined by the outcome of the general balancing process. That decision will reflect the national concern for both protection and utilization of important resources. All factors which may be relevant to the proposal must be considered including the cumulative effects thereof. Among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shore erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

**8. CONSIDERATION OF COMMENTS:** The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed

activity.

**9. SUBMISSION OF COMMENTS:** Interested parties may submit in writing any comments concerning this activity. Comments should include the applicant's name, the number, and the date of this Notice and should be forwarded so as to reach this office within the comment period specified on page one of this Notice. Comments should be sent to the Regulatory Branch. It is Corps policy to forward any such comments which include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose address is indicated in the first paragraph of this Notice, or by contacting Molly Martindale of our office at telephone 415-977-8448 or E-mail: mmartindale@spd.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided on request.